

Order

Michigan Supreme Court
Lansing, Michigan

March 31, 2006

Clifford W. Taylor,
Chief Justice

127655-6 & (68) (75)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PETOSKEY INVESTMENT GROUP, L.L.C.,
Plaintiff-Appellee,

v

SC: 127655-6
COA: 246641, 248801
Emmet CC: 01-006542-CH

BEAR CREEK TOWNSHIP,
Defendant,

and

ZACHARY M. KUZNICKI,
Intervening Defendant-Appellant.

By order of October 14, 2005, the parties were directed to file supplemental briefs addressing whether this appeal is moot. On order of the Court, the briefs having been filed, the motion for leave to file brief amicus curiae and the application for leave to appeal the December 2, 2004 judgment of the Court of Appeals are considered. The motion for leave to file brief amicus curiae is GRANTED. The application for leave to appeal is DENIED as moot. This Court cannot provide appellant Zachary M. Kuznicki any meaningful relief in light of the consent judgment reached between plaintiff-appellee Petoskey Investment Group, LLC and Emmett County and the fact that the challenged development project is underway. Under these circumstances, as appellant has conceded, this appeal is moot.

CAVANAGH, WEAVER, and KELLY, JJ., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 31, 2006

Corbin R. Davis

Clerk